

109TH CONGRESS  
1ST SESSION

# H. R. 3100

To authorize measures to deter arms transfers by foreign countries to the  
People's Republic of China.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2005

Mr. HYDE (for himself, Mr. LANTOS, Mr. HUNTER, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. McCOTTER, Mrs. JO ANN DAVIS of Virginia, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. McCAUL of Texas, Ms. HARRIS, Mr. WELLER, Mr. BOOZMAN, and Mr. ISSA) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To authorize measures to deter arms transfers by foreign  
countries to the People's Republic of China.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “East Asia Security  
5       Act of 2005”.

6       **SEC. 2. STATEMENTS OF POLICY.**

7       Congress—

1           (1) previously expressed its strong concerns in  
2       House Resolution 57 of February 2, 2005, and Sen-  
3       ate Resolution 91 of March 17, 2005, with the  
4       transfer of armaments and related technology to the  
5       People's Republic of China by member states of the  
6       European Union, which increased eightfold from  
7       2001 to 2003, and with plans to terminate in the  
8       near future the arms embargo they imposed in 1989  
9       following the Tiananmen Square massacre;

10          (2) welcomes deferral of a decision by the Euro-  
11       pean Council to terminate its arms embargo fol-  
12       lowing adoption of those Resolutions, the President's  
13       visit to Europe, and growing concern among coun-  
14       tries in the regions and the general public on both  
15       sides of the Atlantic;

16          (3) welcomes the decision by the European Par-  
17       liament on April 14, 2005, by a vote of 421 to 85,  
18       to oppose the lifting of the European Union's arms  
19       embargo on the People's Republic of China, and res-  
20       olutions issued by a number of elected parliamentary  
21       bodies in Europe also opposing the lifting of the  
22       arms embargo;

23          (4) also welcomes the onset of a strategic dia-  
24       logue between the European Commission and the  
25       Government of the United States on the security sit-

1       uation in East Asia, through which it is hoped a  
2       greater understanding will emerge of the con-  
3       sequences of European assistance to the military  
4       buildup of the People’s Republic of China for peace  
5       and stability in that region, to the security interests  
6       of the United States and its friends and allies in the  
7       region, and, in particular, to the safety of United  
8       States Armed Forces whose presence in the region  
9       has been a decisive factor in ensuring peace and  
10      prosperity since the end of World War II;

11           (5) hopes that a more intensive dialogue with  
12      Europe on this matter will clarify for United States  
13      friends and allies in Europe how their “non-lethal”  
14      arms transfers improve the force projection of the  
15      People’s Republic of China, are far from benign, and  
16      enhance the prospects for the threat or use of force  
17      in resolving the status of Taiwan, a troubling pros-  
18      pect made more ominous by recent adoption of a  
19      new law by the Chinese National People’s Congress  
20      expressly authorizing the use of force;

21           (6) also hopes that this dialogue will result in  
22      an important new consensus between the United  
23      States and its European partners on the need for co-  
24      ordinated policies which encourage the development  
25      of democracy in the People’s Republic of China and

1       which discourage, not assist, China's unjustified  
2       military buildup and pursuit of weapons that threat-  
3       en its neighbors;

4               (7) however, deeply regrets that none of the  
5       European friends and allies of the United States  
6       who have been transferring arms to the People's Re-  
7       public of China has announced a cessation or even  
8       a temporary halt to those transfers while this new  
9       dialogue with the United States ensues, and notes  
10      with concern that such European friends and allies  
11      have provided little, if any, transparency to the  
12      United States Government into the full range and  
13      capabilities of all of the armaments and related tech-  
14      nology that they have transferred to date and con-  
15      tinue even now to do so;

16              (8) is further troubled by public reports describ-  
17      ing well known European companies as suppliers to  
18      weapons programs of the People's Republic of  
19      China, who are also participants in numerous sen-  
20      sitive United States Government weapons programs,  
21      and the increased risks of diversion of United States  
22      weapons technology to China inherent in such an  
23      undesirable situation; and

24              (9) in view of the gravity of European arms  
25      sales to the People's Republic of China, which have

1 not abated, believes it is necessary to make provision  
2 for greater scrutiny and oversight with respect to  
3 those areas of international armament cooperation  
4 that present increased levels of risk to the security  
5 interests of the United States and to authorize ap-  
6 propriate measures which the President may drawn  
7 on in deterring foreign support for China's military  
8 buildup in order to safeguard the national security  
9 interests of the United States and peace and secu-  
10 rity in East Asia.

11 **SEC. 3. REPORT ON FOREIGN MILITARY EXPORTS TO**  
12 **CHINA.**

13 (a) REPORT.—The President shall, at the times spec-  
14 ified in subsection (b), transmit to the appropriate con-  
15 gressional committees a report that identifies every person  
16 of a member country of the European Union, and any  
17 other foreign person the President may consider appro-  
18 priate, with respect to whom there is credible information  
19 indicating that the person, on or after January 1, 2005,  
20 exported to—

21 (1) the People's Republic of China any item on  
22 the Wassenaar Munitions List of July 12, 1996, and  
23 subsequent revisions; or

24 (2) the military, intelligence, or other security  
25 forces of the People's Republic of China—

1 (A) any item on the Wassenaar List of  
2 Dual Use Goods and Technologies of July 12,  
3 1996, and subsequent revisions; or

4 (B) any other dual use item if the item is  
5 intended, entirely or in part, for use with an  
6 item described in paragraph (1).

7 (b) TIMING OF REPORT.—The report required under  
8 subsection (a) shall be transmitted not later than 180 days  
9 after the date of the enactment of this Act and not later  
10 than the end of each 12-month period thereafter.

11 (c) EXCEPTIONS.—A foreign person is not required  
12 to be identified in a report required under subsection (a)  
13 if the person—

14 (1) was identified in a previous report trans-  
15 mitted under subsection (a) on account of a par-  
16 ticular export, except to the extent that the export  
17 may have continued, involved additional transfers, or  
18 was larger, more significant, or different in nature  
19 than described in the previous report;

20 (2) was engaged solely in an export on behalf  
21 of, or in concert with, the Government of the United  
22 States; or

23 (3) was engaged in an export which, as deter-  
24 mined by the President, would be exempt from the  
25 restrictions of section 902(a) of the Foreign Rela-

1        tions Authorization Act, Fiscal Years 1990 and  
 2        1991 (Public Law 101–246; 22 U.S.C. 2151 note),  
 3        if the export were subject to the jurisdiction of the  
 4        United States, by reason of the issuance of a report  
 5        under section 902(b) of such Act.

6        (d) FORM.—If the President considers it appropriate,  
 7        reports transmitted under subsection (a), or appropriate  
 8        parts thereof, may be transmitted in classified form.

9        **SEC. 4. REPORT ON CHINA ARMS TRANSFER POLICIES OF**  
 10                    **COUNTRIES PARTICIPATING IN UNITED**  
 11                    **STATES DEFENSE COOPERATIVE PROJECTS;**  
 12                    **CERTAIN LICENSE REQUIREMENTS.**

13        (a) STATEMENT OF POLICY.—Congress is concerned  
 14        with the significant additional risk of unlawful use and  
 15        diversion of sensitive United States weapons system re-  
 16        search, design, and development arising from cooperative  
 17        research and development projects with foreign govern-  
 18        ments and foreign persons who may also transfer arms  
 19        and related technology to the People’s Republic of China.

20        (b) REPORT.—The President shall, at the times spec-  
 21        ified in subsection (c), transmit to the appropriate con-  
 22        gressional committees a report that—

23                    (1) identifies every foreign government with re-  
 24        spect to which the United States is carrying out a  
 25        cooperative project described in subsection (d) and

1       whose policies or practices, on or after the date of  
2       the enactment of this Act, permit the export of any  
3       item described in paragraph (1), or subparagraph  
4       (A) or (B) of paragraph (2), of section 3(a); and

5               (2) describes the cooperative projects and poli-  
6       cies or practices referred to in paragraph (1) of  
7       every foreign government identified under such para-  
8       graph.

9       (c) **TIMING OF REPORT.**—The report required under  
10   subsection (b)—

11               (1) shall be transmitted not later than 180 days  
12       after the date of the enactment of this Act and not  
13       later than the end of each 12-month period there-  
14       after; and

15               (2) may be included in the report required  
16       under section 3, as the President determines appro-  
17       priate.

18       (d) **COOPERATIVE PROJECTS.**—The cooperative  
19   projects referred to in subsection (b) are projects carried  
20   out under section 27 of the Arms Export Control Act (22  
21   U.S.C. 2767) or section 2350a, 2358, or a memorandum  
22   of understanding under section 2531 of title 10, United  
23   States Code.

24       (e) **LICENSE REQUIREMENTS.**—



1           (1)     REQUIREMENT.—Notwithstanding any  
2     other provision of law, a license under section 38 of  
3     the Arms Export Control Act (22 U.S.C. 2778) shall  
4     be required for the export of defense articles or de-  
5     fense services by any person who is not an officer or  
6     employee of the Government of the United States in  
7     furtherance of a cooperative project described in  
8     subsection (d) with a country identified in a report  
9     transmitted under subsection (b).

10          (2)     CONGRESSIONAL     NOTIFICATION.—The  
11     issuance of a license pursuant to paragraph (1) shall  
12     be subject to the same requirements as are applica-  
13     ble to the export of items described in section 36(c)  
14     of the Arms Export Control Act (22 U.S.C. 2776(c))  
15     (without regard to the dollar amount requirements  
16     relating to contracts contained in such section), in-  
17     cluding the transmittal of information and the appli-  
18     cation of congressional review procedures in accord-  
19     ance with such section.

20     **SEC. 5. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF**  
21                     **DEFENSE ARTICLES IN THE UNITED STATES.**

22          (a) STATEMENT OF POLICY.—Congress determines  
23     that special care should be taken by the United States  
24     with respect to foreign persons who sell arms and related  
25     technology to the People's Republic of China, while simul-

1 taneously seeking ownership of United States defense arti-  
2 cles or defense services, including the results of United  
3 States Government funded defense research and develop-  
4 ment, through the acquisition or control of United States  
5 defense firms, directly or through their subsidiaries and  
6 affiliates based in the United States.

7 (b) LICENSE REQUIREMENTS.—

8 (1) REQUIREMENT.—The President shall re-  
9 quire a license pursuant to regulations issued under  
10 section 38(g)(6) of the Arms Export Control Act (22  
11 U.S.C. 2778(g)(6)) for the transfer of ownership or  
12 control of United States defense articles or defense  
13 services arising from the acquisition or control of a  
14 person required to be registered under section  
15 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any  
16 subsidiary, division, affiliate or other entity thereof,  
17 whenever the person gaining acquisition or control  
18 is—

19 (A) a foreign national of the People’s Re-  
20 public of China or a foreign person otherwise  
21 subject to the jurisdiction, ownership, or control  
22 of the People’s Republic of China;

23 (B) a foreign person identified in a report  
24 transmitted under section 3 or having its prin-

1            ciproal place of business in a country described in  
2            a report transmitted under section 4; or

3            (C) a United States person owned or con-  
4            trolled by a foreign person, including a sub-  
5            sidiary or affiliate of a foreign person described  
6            in subparagraph (B).

7            (2) ADDITIONAL REQUIREMENT.—A license  
8            under section 38(g)(6) of the Arms Export Control  
9            Act for a person described in paragraph (1)(A) shall  
10          not be issued until 30 days after the date on which  
11          the President transmits a report that contains a de-  
12          termination of the President that—

13            (A) the Government of the People’s Repub-  
14            lic of China meets the requirements of section  
15            902(b)(1) of the Foreign Relations Authoriza-  
16            tion Act, Fiscal Years 1990 and 1991 (Public  
17            Law 101–246; 22 U.S.C. 2151 note); or

18            (B) it is in the national interest of the  
19            United States to issue the license.

20          (c) CONGRESSIONAL NOTIFICATION.—The issuance  
21          of a license pursuant to subsection (b) shall be subject  
22          to the same requirements as are applicable to the export  
23          of items described in section 36(c) of the Arms Export  
24          Control Act (22 U.S.C. 2776(c)) (without regard to the  
25          dollar amount requirements relating to contracts con-

1 tained in such section), including the transmittal of infor-  
2 mation and the application of congressional review proce-  
3 dures in accordance with such section.

4 (d) EXCEPTION.—The issuance of a license pursuant  
5 to subsection (b) shall not be required in the case of an  
6 amendment to a munitions license or a change in registra-  
7 tion arising from a sale or transfer of ownership or control  
8 of United States defense articles or defense services to a  
9 person described in subparagraph (A), (B), or (C) of sub-  
10 section (b)(1) that was approved prior to the date of en-  
11 actment of this Act unless the President determines that  
12 it is in the national security interests of the United States  
13 to require the issuance of a new license pursuant to sub-  
14 section (b).

15 **SEC. 6. CHINESE MILITARY END USE OF DUAL USE EX-**  
16 **PORTS.**

17 (a) STATEMENT OF POLICY.—Congress welcomes the  
18 understanding reached at the Wassenaar Arrangement’s  
19 December 2003 plenary meeting to require governmental  
20 authorization for the transfer of non-listed dual use items  
21 intended for military end use in a destination subject to  
22 any relevant regional arms embargo or to any United Na-  
23 tions Security Council resolution.

24 (b) LICENSE REQUIREMENT.—

1           (1) REQUIREMENT.—The President shall re-  
2       quire a license under the Export Administration  
3       Regulations for the export of any item described in  
4       paragraph (1), or subparagraph (A) or (B) of para-  
5       graph (2), of section 3(a) that is not subject to a li-  
6       cense under section 38 of the Arms Export Control  
7       Act (22 U.S.C. 2778) if the item is intended for  
8       military end use by the People’s Republic of China.

9           (2) SENSE OF CONGRESS.—It is the sense of  
10      Congress that the President should not approve a li-  
11      cense pursuant to paragraph (1) unless the Presi-  
12      dent determines that approval is important to  
13      counterterrorism, nonproliferation, or other national  
14      security interests of the United States.

15      (c) CONGRESSIONAL NOTIFICATION.—The issuance  
16      of a license pursuant to subsection (b) shall be subject  
17      to the same requirements as are applicable to the export  
18      of items described in section 36(c) of the Arms Export  
19      Control Act (22 U.S.C. 2776(c)) (without regard to the  
20      dollar amount requirements relating to contracts con-  
21      tained in such section), including the transmittal of infor-  
22      mation and the application of congressional review proce-  
23      dures in accordance with such section.

24      (d) DEFINITION.—In this section, the term “military  
25      end use” means, with respect to an item, the item is or

1 may be intended, entirely or in part, for use in conjunction  
2 with an item described on the Wassenaar Munitions List  
3 of July 12, 1996, and subsequent revisions.

4 **SEC. 7. APPLICATION OF MEASURES TO CERTAIN FOREIGN**  
5 **PERSONS.**

6 (a) APPLICATION OF MEASURES.—Subject to sec-  
7 tions 8 and 9, the President may apply with respect to  
8 any foreign person (including a foreign government) iden-  
9 tified in a report transmitted under section 3, and shall  
10 apply with respect to any foreign person (including a for-  
11 eign government) identified in more than one report trans-  
12 mitted under section 3, any or all of the following meas-  
13 ures:

14 (1) RESEARCH AND DEVELOPMENT.—Denial of  
15 participation in existing and new cooperative re-  
16 search and development programs and projects  
17 under section 27 of the Arms Export Control Act  
18 (22 U.S.C. 2767) or sections 2350a, 2358, or a  
19 memorandum of understanding under 2531 of title  
20 10, United States Code.

21 (2) CONTROL OF UNITED STATES DEFENSE  
22 FIRMS.—Prohibition of ownership and control of any  
23 business organization required to be registered with  
24 the United States Government as a manufacturer or  
25 exporter of defense articles or defense services under

1 section 38(b)(1) of the Arms Export Control Act (22  
2 U.S.C. 2778(b)(1)).

3 (3) SECURITY ASSISTANCE.—Prohibition on  
4 participation in any foreign military sales under  
5 chapter 2 of the Arms Export Control Act (22  
6 U.S.C. 2761 et seq.) or any design and construction  
7 sales under chapter 2A of such Act (22 U.S.C.  
8 2769).

9 (4) MUNITIONS LIST APPROVALS.—Prohibition  
10 on licenses and other forms of approval under sec-  
11 tion 38 of the Arms Export Control Act (22 U.S.C.  
12 2778) for the export of any item on the United  
13 States Munitions List as in effect on August 8,  
14 1995.

15 (5) DUAL USE APPROVALS.—Prohibition on li-  
16 censes and other forms of approval for dual use  
17 goods or technology, the export of which is con-  
18 trolled under the Export Administration Act of 1979  
19 (as continued in effect under the International  
20 Emergency Economic Powers Act) or the Export  
21 Administration Regulations.

22 (b) APPLICATION OF ADDITIONAL MEASURES.—Sub-  
23 ject to sections 8 and 9, and notwithstanding any other  
24 provision of law, the President may, with respect to any  
25 foreign person (including a foreign government) identified

1 in a report transmitted under section 3, and shall, with  
2 respect to any foreign person (including a foreign govern-  
3 ment) identified in more than one report transmitted  
4 under section 3—

5 (1) suspend the use of any license exemption  
6 and expedited license procedure established in the  
7 International Traffic in Arms Regulations or other  
8 provisions of law for the export or temporary import  
9 of defense articles and defense services;

10 (2) require the execution of a non-transfer and  
11 end use certificate for the export of any defense arti-  
12 cles and defense services; and

13 (3) require, as a condition of issuance of any li-  
14 cense for the export of defense articles and defense  
15 services, United States access to and verification of  
16 the items after the export of the items or alternative  
17 measures to ensure compliance with restrictions on  
18 the transfer of the items to third-parties.

19 (c) EFFECTIVE DATE OF MEASURES.—Measures ap-  
20 plied pursuant to subsection (a) or (b) shall be effective  
21 with respect to a foreign person (including a foreign gov-  
22 ernment) no later than—

23 (1) 30 days after the report identifying the for-  
24 eign person is transmitted, if the report is trans-



mitted on or before the date required by section 3(b); or

(2) on the date that the report identifying the foreign person is transmitted, if the report is transmitted more than 30 days after the date required by section 3(b).

(d) DURATION OF MEASURES.—Measures applied pursuant to subsection (a) shall be for a period of 2 years or longer, as the President determines appropriate. Measures applied pursuant to subsection (b) shall be, at a minimum, consistent with the duration of the license and the normal requirements for record keeping established in the International Traffic in Arms Regulations or longer, as the President determines appropriate.

(e) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) or (b) shall be announced by notice published in the Federal Register, except if the President determines that doing so would be inconsistent with the protection of classified information.

**SEC. 8. PROCEDURES IF DISCRETIONARY MEASURES ARE NOT APPLIED.**

(a) REQUIREMENT TO NOTIFY CONGRESS.—If the President does not exercise the authority of subsection (a) or (b) of section 7 to apply any or all of the discretionary

1 measures described in such subsection with respect to a  
2 foreign person identified in a report transmitted under  
3 section 3, the President shall so notify the appropriate  
4 congressional committees not later than the effective date  
5 under section 7(c) for measures with respect to that per-  
6 son.

7 (b) WRITTEN JUSTIFICATION.—Any notification  
8 transmitted by the President under subsection (a) shall  
9 include a written justification describing in detail the facts  
10 and circumstances relating specifically to the foreign per-  
11 son identified in a report transmitted under section 3 that  
12 support the President’s decision not to exercise the au-  
13 thority of subsection (a) or (b) of section 7 with respect  
14 to that person.

15 (c) FORM.—If the President considers it appropriate,  
16 the notification of the President under subsection (a), and  
17 the written justification under subsection (b), or appro-  
18 priate parts thereof, may be transmitted in classified form.

19 **SEC. 9. DETERMINATIONS EXEMPTING FOREIGN PERSONS**  
20 **FROM MANDATORY MEASURES.**

21 (a) WAIVER.—Any mandatory measure described in  
22 section 7 shall not apply with respect to a foreign person  
23 if the President transmits to the appropriate congressional  
24 committees a report that contains a determination of the  
25 President that—

1           (1) on the basis of information provided by that  
2           person or the foreign government having primary ju-  
3           risdiction over the person, the person did not, on or  
4           after January 1, 2005, knowingly export to the Peo-  
5           ple’s Republic of China the item the apparent export  
6           of which caused the person to be identified in a re-  
7           port transmitted under section 3; or

8           (2) the foreign government having primary ju-  
9           risdiction over the person has entered into a written  
10          agreement with the United States which—

11                 (A) is binding under international law;

12                 (B) prohibits further exports of any item  
13                 described in paragraph (1), or subparagraph  
14                 (A) or (B) of paragraph (2), of section 3(a) by  
15                 any person subject to its jurisdiction;

16                 (C) is supported by the foreign govern-  
17                 ment’s adoption of policies and procedures pro-  
18                 viding for credible implementation of the re-  
19                 quirements in subparagraphs (A) and (B);

20                 (D) does not constrain the President’s au-  
21                 thority to impose measures under this act in  
22                 the event of a future export of concern by the  
23                 same or other persons subject to the jurisdic-  
24                 tion of the foreign government party to the  
25                 agreement; and

1           (E) is submitted to the appropriate con-  
2           gressional committees 30 days prior to its entry  
3           into force.

4           (b) ADDITIONAL WAIVER.—Any mandatory measure  
5           described in section 7 shall not apply to a foreign person  
6           if the President determines that it is important to the  
7           counterterrorism, nonproliferation, or other national secu-  
8           rity interests of the United States and transmits to the  
9           appropriate congressional committees a report in writing  
10          that contains such determination.

11          (c) SENSE OF CONGRESS.—It is the sense of Con-  
12          gress that the President should—

13               (1) strengthen international coordination and  
14               execution of arms export policy through the develop-  
15               ment of bilateral and multilateral agreements under  
16               subsection (a)(2), particularly with member states of  
17               the North Atlantic Treaty Organization (NATO),  
18               Japan, Australia and New Zealand, and exercise the  
19               waivers provided under this section in all appro-  
20               prium instances that further this objective; and

21               (2) whenever the President determines that the  
22               measures described in section 7 should be applied,  
23               that the measures be applied comprehensively with  
24               respect to the affected foreign person's affiliates and  
25               subsidiaries, wherever located, in order to deter to

1 the fullest extent possible a recurrence or continu-  
2 ation of the export giving rise to the President's de-  
3 termination.

4 (d) FORM.—If the President considers it appropriate,  
5 the determination and report of the President under sub-  
6 section (a), or appropriate parts thereof, may be trans-  
7 mitted in classified form.

8 **SEC. 10. DEFINITIONS.**

9 In this Act:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
11 TEES.—The term “appropriate congressional com-  
12 mittees” means—

13 (A) the Committee on International Rela-  
14 tions and the Committee on Armed Services of  
15 the House of Representatives; and

16 (B) the Committee on Foreign Relations  
17 and the Committee on Armed Services of the  
18 Senate.

19 (2) DEFENSE ARTICLES AND DEFENSE SERV-  
20 ICES.—The term “defense articles and defense serv-  
21 ices” has the meaning given the term in section  
22 47(7) of the Arms Export Control Act (22 U.S.C.  
23 2794 note).

24 (3) DUAL USE.—The term “dual use” means,  
25 with respect to goods or technology, those goods or

1 technology that are specifically designed or devel-  
2 oped for civil purposes but which also may be used  
3 or deployed in a military or proliferation mode. Such  
4 term does not include purely commercial items.

5 (4) EXPORT.—The term “export” has the  
6 meaning given that term in section 120.17 of the  
7 International Traffic in Arms Regulations, and in-  
8 cludes re-exports, transfers, and retransfers by any  
9 means.

10 (5) EXPORT ADMINISTRATION REGULATIONS.—  
11 The term “Export Administration Regulations”  
12 means those regulations contained in sections 730  
13 through 774 of title 15, Code of Federal Regulations  
14 (or successor regulations).

15 (6) FOREIGN GOVERNMENT.—The term “for-  
16 eign government” has the meaning given the term in  
17 section 38(g)(9)(B) of the Arms Export Control Act  
18 (22 U.S.C. 2778(g)(9)(B)).

19 (7) FOREIGN PERSON.—The term “foreign per-  
20 son” has the meaning given the term in section  
21 38(g)(9)(C) of the Arms Export Control Act (22  
22 U.S.C. 2778(g)(9)(C)).

23 (8) GOOD.—The term “good” has the meaning  
24 given the term in section 16(3) of the Export Ad-  
25 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

1           (9) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
2           TIONS.—The term “International Traffic in Arms  
3           Regulations” means those regulations contained in  
4           sections 120 through 130 of title 22, Code of Fed-  
5           eral Regulations (or successor regulations).

6           (10) ITEM.—The term “item” means any good  
7           or technology, defense article or defense service sub-  
8           ject to the export jurisdiction of the United States  
9           under law or regulation.

10          (11) LICENSE.—The term “license” means an  
11          official written document of the United States Gov-  
12          ernment issued pursuant to the Export Administra-  
13          tion Regulations or the International Traffic in  
14          Arms Regulations, as the case may be, authorizing  
15          a specific export.

16          (12) OTHER FORMS OF APPROVAL.—The term  
17          “other forms of approval” includes any authoriza-  
18          tion, rule or exemption contained in any statute or  
19          regulation that permits an export without a license.

20          (13) OWNERSHIP OR CONTROL.—The term  
21          “ownership or control” has the meaning given the  
22          term in section 122.2(c) of the International Traffic  
23          in Arms Regulations.

24          (14) PERSON.—The term “person” has the  
25          meaning given the term in section 38(g)(9)(E) of

1 the Arms Export Control Act (22 U.S.C.  
2 2778(g)(9)(E)).

3 (15) TECHNOLOGY.—The term “technology”  
4 has the meaning given the term in section 16(4) of  
5 the Export Administration Act of 1979 (50 U.S.C.  
6 App. 2415(4)).

7 (16) UNITED STATES MUNITIONS LIST.—The  
8 term “United States Munitions List” means the list  
9 referred to in section 38(a)(1) of the Arms Export  
10 Control Act (22 U.S.C. 2778(a)(1)).

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